

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4932

FISCAL
NOTE

BY DELEGATES ANGELUCCI AND S. BROWN

[Introduced February 11, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §4-1-24; and to amend said code by adding thereto a new section, designated
3 §5-4-3, all relating to requiring the random drug testing of legislators and members of the
4 Board of Public Works; requiring public disclosure of results or nonparticipation under
5 certain circumstances; and generally requiring confidentiality.

Be it enacted by the Legislature of West Virginia:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF CAPITOL BUILDING; PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS; NEXT MEETING OF THE SENATE.

§4-1-24. Random drug testing of legislators.

1 (a) The Legislative Manager shall establish a program for the random drug testing of
2 legislators for illegal drugs, to be conducted during each regular session of the Legislature. The
3 program shall include:
4 (1) Procedures for random testing of each legislator;
5 (2) Procedures for ensuring that no legislator is tested more than twice per session, except
6 as provided in subsection (b) of this section;
7 (2) Procedures for administering the tests; and
8 (3) Other provisions reasonably convenient for the efficient operation of the program.
9 (b) Any member of the Legislature whose test results indicate the use of illegal drugs must
10 submit to a second drug test no less than 30 days following the initial drug test, but not to exceed
11 60 days following the initial test. If the results of the second test indicate the use of illegal drugs,
12 or if the member fails or refuses to participate in the testing program, that information shall be
13 released to the public.

14 (c) The Legislative Manager is responsible for ensuring the confidentiality of all drug test
15 results administered as part of the program, except as provided in subsection (b) of this section.

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 4. BOARD OF PUBLIC WORKS.

§5-4-3. Random drug testing of members of Board of Public Works.

1 (a) The Secretary of the Department of Health and Human Resources shall establish a
2 program for the random drug testing of each member of the Board of Public Works for illegal
3 drugs, to be conducted at least twice a year. The program shall include:

4 (1) Procedures for random testing of each member;

5 (2) Procedures for ensuring that no member is tested more than twice per session, except
6 as provided in subsection (b) of this section;

7 (3) Procedures for administering the tests; and

8 (4) Other provisions reasonably convenient for the efficient operation of the program.

9 (b) Any member whose test results indicate the use of illegal drugs must submit to a
10 second drug test no less than 30 days following the initial drug test, but not to exceed 60 days
11 following the initial test. If the results of the second test indicate the use of illegal drugs, or if the
12 member fails or refuses to participate in the testing program, that information shall be released to
13 the public.

14 (c) The Secretary of the Department of Health and Human Resources is responsible for
15 ensuring the confidentiality of all drug test results administered as part of the program, except as
16 provided in subsection (b) of this section.

NOTE: The purpose of this bill is to require the random drug testing of legislators and members of the Board of Public Works.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.